

## STATE OF DELAWARE THE COURTS OF THE JUSTICES OF THE PEACE 820 NORTH FRENCH STREET, 13TH FLOOR WILMINGTON, DELAWARE 19801

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## LEGAL NEMORANDUM 80-6

TO: ALL JUSTICES OF THE PEACE

STATE OF DELAWARE

FROM: NORMAN A. BARRON

CHIEF MAGISTRATE

DATE: JULY 11, 1980

NORMAN A. BARRON CHIEF MAGISTRATE

RE: AMENITENT TO 21 DEL.C., §2118 RELATING TO INSURANCE

REQUIREMENTS FOR MOTOR VEHICLES

On or about June 27, 1980, the Governor signed into law SB No. 313 as amended by SA No. 1. (62 <u>Del.Laws</u>, c.280.) This piece of legislation corrects an anomaly which has existed for several years. Twenty-one <u>Del.C.</u>, §2118(a) used to read, in pertinent part, as follows:

"(a) No owner of a motor vehicle registered in this State . . . shall operate or authorize any other person to operate such vehicle unless the owner has insurance on such motor vehicle . . ."

Subsection (q) of section 2118 sets forth the penalties for violating subsection (a). Thus, while an owner of a <u>registered</u> motor vehicle subjected himself to the penalties provided in subsection (q) if he drove said vehicle without insurance, an owner of an <u>unregistered</u> motor vehicle who drove said vehicle without insurance escaped the penalty provisions of subsection (q). The amendment to section 2118(a) corrects this inequity. By 62 <u>Del.Laws</u>, c. 280, section 2118(a) now reads, in pertinent part, as follows:

"(a) No owner of a motor vehicle required to be registered in this State . . . shall operate or authorize any other person to operate

such vehicle unless the owner has insurance on such motor vehicle . . . " (Emphasis added to show amended language.)

Thus, there are now two offenses committed by the driver who drives an unregistered motor vehicle upon the highways of this State without having the required insurance covering that vehicle. They are:

- 1. Operating an unregistered motor vehicle in violation of 21 <u>Del.C.</u>, §2101; and
- 2. Operating a motor vehicle without insurance in violation of 21 <u>Del.C.</u>, §2118(a).

Please see that your copies of Title 21, section 2118(a) are amended in conformity with this memorandum.

## NAB: pm

CC: The Honorable Daniel L. Herrmann
The Honorable William Marvel
The Honorable Albert J. Stiftel
The Honorable Robert H. Wahl
The Honorable Robert D. Thompson
The Honorable Alfred Fraczkowski
The Honorable Richard S. Gebelein
The Honorable Lawrence M. Sullivan
The Honorable William J. O'Rourke
The Honorable William J. O'Rourke
The Honorable Richard McMahon, State Prosecutor
Harold Schmittinger, Esquire, Pres., Delaware State Bar Assoc.
Vance A. Funk, III, Esquire, Chief Alderman
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